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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,723	06/01/2001	Ingemar V. Rodriguez	508-039.8-1	4236

4955 7590 11/02/2004

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EXAMINER	--
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ROY, SIKHA

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,723

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Sikha Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-22, 24, 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Amendment, filed on August 2, 2004 has been entered and is acknowledged by the Examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation reciting 'solder or frit for sealing has melting point preferably above 320°C' is indefinite and hence fails to distinctly claim the melting point of the solder.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-8,10-12,16,17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/17330 to Cooper.

Regarding claim 1 Cooper discloses (Figs. 1 and 15, page 2 lines 1-8, page 3 lines 5-20, claim 1) a visual display 100 comprising a cathode plate including a substrate 1<sub>1</sub>, 1<sub>2</sub> and emission layer 3 on one face of the substrate, the emission layer having a multiplicity of emitters and gates arranged as an array of emission pixels,

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conductive connections in the emission layer to the gates, the substrate having conductive vias 17 provided through the substrate to at least some of the conductive connections in the emission layer 3 for electrical connection to emitters and gates, an anode plate (glass front face plate) 51, a back plate (back substrate layer) 14, the cathode plate being carried on the front side of the back plate and a frame (carrier) 40 connecting the back plate 14 to the anode plate (page 5 lines 14,15).

Referring to claim 2 Cooper discloses (Fig. 14, page 18 lines 5-10) the frame (carrier wall) 40 extends peripherally around the cathode plate.

Regarding claim 3 Cooper discloses (page 5 lines 24, 25) the frame is soldered to the back plate.

Regarding claim 4 the recitation of 'frame joined to the back plate by frit sealing' is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an unobvious difference between the claimed product and the prior art, the subject product-by-process claim limitation is not afforded patentable weight (see MPEP 2113). Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art that the visual display disclosed by Cooper is at least a fully functional equivalent to the Applicant's claimed invention.

Regarding claim 6 Cooper discloses (page 4 line 7, page 6 lines 13-15) the frame 40 and back plate are laminated from multiple layers of ceramic material.

Regarding claim 7 Cooper discloses (page 9 lines 5-24) the layers are laminated and compressed together in 'green state' and then fired at elevated temperature to sinter the materials.

Regarding claim 8 Cooper discloses (page 19 lines 20-23) that the back plate 14 is pressure tight to atmospheric pressure and the atmospheric pressure acts on the back of the back plate and front of the anode plate.

Referring to claim 10 Cooper discloses (claims 6, 12 Fig.6 page 13 lines 1-8) substrate of the cathode plate is a multilayer substrate having a front substrate layer and an additional substrate layer with conductive vias 20 provided through the front layer and each additional layer and with electrical interconnection tracks (connection strips) 19. Cooper further discloses the arrangement of adjacent layers with interconnection tracks and vias is such that the front layer via is off-set from the back one (vias in zig zag array with gaps in between). The vias being not co-axial provides greater assurance of vacuum tightness.

Referring to claim 11 Cooper discloses the arrangement of vias and electrical interconnection tracks in a multi layer substrate, the adjacent layers being such that the vias in two layers are aligned (page 14 lines 1,2).

Regarding claim 12 Cooper discloses (Figs. 9 and 10 page 15 lines 22-24) the substrate of the cathode plate can have a single ceramic layer with an emission layer 503 built up on it.

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Regarding claim 16 it is clearly evident from Fig. 1 that the back plate (comprising 1<sub>3</sub>, 1<sub>4</sub>) has vias in a front layer positioned to connect with vias in the back of the cathode plate (1<sub>1</sub>, 1<sub>2</sub>).

Regarding claim 17 Cooper discloses (claim 9) in Fig. 1 that the display includes connection tracks 19 on either of the back plate front layer or the cathode plate back layer.

Regarding claim 24 Cooper discloses that the anode plate (front plate) is sealed to the frame (carrier) by a sealing wall of glass frit.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,9,13-15 and 18,19,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/17330 to Cooper.

Regarding claim 5 Cooper discloses (page 5 lines 14-22) the frame (carrier) separate from the back plate with L-shape, one limb extending towards the anode plate.

Claim 5 differs from Cooper in that Cooper does not exemplify the frame and the back plate provided as a single structure.

It would have been obvious to one of ordinary skill in the art at the time of invention to make the frame and the back plate as single structure since it has been held that forming in one piece an article which has formerly been formed in separate pieces and put together involves only routine skill in the art. Furthermore this configuration with the frame and the back plate as single structure would eliminate the step of aligning and joining the frame and the back plate thus providing simpler manufacturing of the display.

Regarding claim 9 Cooper discloses (claims 38,39) array of spacers including vias and contact tracks for connecting the phosphor pixels to the drivers between the anode plate and the emission device.

Cooper does not disclose the frame incorporating a network of vias and interconnection tracks for electrical connection of the anode.

The frame (carrier) in the display device of Cooper provides the connection between the back plate and the anode plate and acts as a spacer. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to replace the spacers with the frame connecting the back plate and the anode plate having vias and contact tracks for connecting the phosphor pixels with the driving contacts carried on the emission device.

Regarding claim 13 Cooper discloses the claimed invention except for the cathode plate having a thicker foundation layer. It would have been obvious matter of design choice to have thicker foundation layer since applicant has not disclosed that thicker foundation layer solves any stated problem or is for any particular purpose and it

appears that the invention would perform equally well with the multilayers of the substrate in cathode plate having same thickness and then fired as disclosed by Cooper.

Regarding claim 14 Cooper discloses the claimed invention except for the back plate having a thicker foundation layer. It would have been obvious matter of design choice to have thicker foundation layer since applicant has not disclosed that thicker foundation layer solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the multilayers of the substrate in back plate having same thickness and then fired as disclosed by Cooper.

Regarding claim 15 Cooper discloses (page 13 lines 1-6 page 16 lines 10-13, Figs. 11,12) the vias in the back plate layers are arranged to spread or fan out towards the next layer for so that the connection strips can be connected to driver chip contacts. As with substrate layers in cathode plate, vias in back plate can be arranged such that vias in the front layers being off-set with those in the next adjacent layer.

Referring to claims 18 and 19 Cooper discloses (page 8 lines 10-15) the vias on the back plate front layer or cathode plate back layer are filled with conductive material and the tracks are positioned to interconnect respective vias. Cooper does not disclose the inter connection made by solder or ball grid array.

The selection of known material for a known purpose is generally within the skill of the art. It would have been obvious to use solder or ball grid array for electrically connecting vias and the tracks on cathode plate and back plate because the selection of solder (or ball grid array) for purpose of adhesion and electrical connection is within the



skill of the art. Furthermore Cooper discloses using high temperature solders for connecting contact pad and tracks 21,22 to the substrate 1(Fig. 15).

Regarding claim 25 Cooper discloses anode plate sealed to the frame by fused frit seal. Cooper does not disclose fused solder for sealing the anode plate to the frame. It is well within the teaching of art to use fused solder for electrical connection between two components. The selection of known material for a known purpose is generally within the skill of the art. Therefore it would have been obvious to use fused solder for sealing the anode plate to the frame for joining the two and providing electrical connection.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/17330 to Cooper and further in view of U.S. Patent 5,766,053 to Cathey et al.

Claim 20 differs from Cooper in that Cooper does not disclose a flowable connection made around the back edge of the cathode plate to the back plate isolating a thin gap between the cathode plate and the back plate.

Cathey in analogous art of flat-panel field emission display panel discloses (Fig. 1 column 4 lines 31-41) flowable connection (rear positioning spacer made of frit seal) 27 is made around the back edge of the cathode plate 16 to the back plate 14 isolating a thin gap 36 between the two components. Cathey further discloses that this configuration creates a rearward vacuum space behind the cathode plate and a forward vacuum space in front of the cathode plate and hence the cathode plate is not subjected to the differential pressure on opposite sides. This embodiment eliminates pressure

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differential between the sides of the cathode plate. This reduces structural requirements, eliminating the need for distributed spacers.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use a flowable connection around the back edge of the cathode plate isolating a thin gap between the cathode plate and the back plate of Cooper as taught by Cathey for eliminating pressure differential between the sides of the cathode plate and hence reducing structural requirements, eliminating the need for distributed spacers.

Regarding claim 21 Cathey discloses the flowable connection is of glass frit.

Claim 22 recites the same limitation as of claim 18 and hence is rejected for the same reason. Furthermore Cooper discloses (page 24 lines 3-5) high temperature solder (having melting point of 300°C) used for providing electrical connections.

#### ***Allowable Subject Matter***

Claim 23 is allowed over the prior art of record.

The reason for allowing claim 23 has already been cited by the examiner in the previous office action.

#### ***Response to Arguments***

Applicant's arguments regarding claim 1 filed August 2, 2004 have been fully considered but they are not persuasive.

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In response to applicants' argument that WO 99/17330 to Cooper does not teach 'a back plate and the cathode plate carried on the front side of the back plate' the examiner respectfully disagrees. The examiner notes that the claim limitation is interpreted in the broadest sense. The meaning of 'carry on' is interpreted as 'to hold on' or 'to sustain the weight of or burden of' and in this broad sense Cooper reference encompasses the limitation comprising the cathode plate carried on the front side of the back plate. Cooper discloses in Fig. 2 back plate 1<sub>4</sub> and cathode plate 1<sub>1</sub> carried on the front side of the back plate.

In response to applicant's argument that the reference fails to show the back plate layer existing as a separate plate from the cathode plate (gap existing between the two plates) and the consequent advantages for this arrangement that the back of the cathode plate is isolated from atmospheric pressure, it is noted that these features upon which applicant relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (703) 308-7382.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.R.

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